

Lee County or Monty Rast in St. Matthews, SC, who have been farming for decades. Ask them about the impact of not being able to pass the family farm or small business to the next generation.

Think about punishing the farmers and still providing a check for \$12,500 for someone making \$800,000 a year to buy a luxury vehicle, an electric vehicle. You are going to give them a tax credit even though they make \$800,000.

Imagine a part of the bill where union workers at an auto factory are able to sell their cars with a \$4,500 tax credit, but the Volvo workers in South Carolina, the BMW workers in South Carolina who don't work at a union factory—their cars don't get the \$4,500 tax credit, embedding a unique form of bias into this bill. It just doesn't feel right. Restoring the tax credits for the State and local taxes for millionaires and billionaires across this country and putting that burden back on the backs of working people, middle-class working people.

I won't even go into raising the corporate tax from 21 percent to 28 percent or 26.5 percent. I won't go into eliminating passthroughs for small businesses, mom-and-pop businesses; a 20-percent increase because they eliminate the 20-percent credit on their small businesses. I won't get into that because we don't have enough time. I won't get into the raising taxes on individuals. I won't get into the capital gains tax going from 23.8 to 43.8. I won't get into all of that right now, but I will say this: If the Democrats' plan succeeds, I fear for that American dream that I am able to live right now. I fear that kids stuck in poverty today will be stuck in a caste system of socialism tomorrow.

Madam President, thank you for your time, your patience. I am just concerned about the greatest Nation ever designed in the history of the world. Thank you.

VOTE ON MEDINA NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Medina nomination?

Mr. WHITEHOUSE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

(Mr. BOOKER assumed the Chair.)

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Arizona (Ms. SINEMA) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Kansas (Mr. MORAN).

The result was announced—yeas 61, nays 36, as follows:

[Rollcall Vote No. 387 Ex.]

YEAS—61

Baldwin	Hickenlooper	Risch
Bennet	Hirono	Romney
Blumenthal	Kaine	Rosen
Blunt	Kelly	Rounds
Booker	King	Sanders
Brown	Klobuchar	Schatz
Cantwell	Leahy	Schumer
Capito	Lujan	Shaheen
Cardin	Manchin	Smith
Carper	Markey	Stabenow
Casey	McConnell	Sullivan
Collins	Menendez	Tester
Cooms	Merkley	Tillis
Cortez Masto	Murkowski	Van Hollen
Crapo	Murphy	Warner
Duckworth	Murray	Warnock
Durbin	Ossoff	Warren
Gillibrand	Padilla	Whitehouse
Graham	Peters	Wyden
Hassan	Portman	
Heinrich	Reed	

NAYS—36

Barrasso	Fischer	Marshall
Blackburn	Grassley	Paul
Boozman	Hagerty	Rubio
Braun	Hawley	Sasse
Burr	Hoeven	Scott (FL)
Cassidy	Hyde-Smith	Scott (SC)
Cornyn	Inhofe	Shelby
Cotton	Johnson	Thune
Cramer	Kennedy	Toomey
Cruz	Lankford	Tuberville
Daines	Lee	Wicker
Ernst	Lummis	Young

NOT VOTING—3

Feinstein	Moran	Sinema
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The nomination was confirmed.

The PRESIDING OFFICER (Mr. MURPHY). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The bill clerk read the nomination of Mary Catherine Phee, of Illinois, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (African Affairs).

The PRESIDING OFFICER. The Senator from Texas.

NORD STREAM 2

Mr. CRUZ. Mr. President, over the last several weeks, I have talked at length about the damage that President Biden and his administration are doing to the national security of the United States and to the security of our allies in Europe by giving Vladimir Putin a multibillion-dollar gift in the Nord Stream 2 Pipeline.

Today, I am going to talk about the staggering diplomatic damage that the President is doing by allowing and, indeed, facilitating this project proceeding. It is well known that Nord Stream 2 is opposed across Europe as an enabler of and, indeed, an example of and a weapon of Russian expansionism and aggression.

Europeans have good reasons for their opposition. They know firsthand what the costs are. They know that completing Nord Stream 2 will leave the entire continent vulnerable to Putin's blackmail and aggression, and

that NATO's ability to act will be severely constrained while billions will flow into the Kremlin's coffers.

What is sometimes underappreciated, however, even by the people who are familiar with this issue, is the all-but-complete unanimity of the opposition in Europe.

In 2018, the European Parliament voted by a vote of 403 to 105 to oppose the Nord Stream 2 Pipeline. The pipeline proceeded, nonetheless, until it was halted by the bipartisan sanctions passed by this Congress in December of 2019—sanctions that I authored along with Democrat JEANNE SHAHEEN. The pipeline was halted the very day those sanctions were signed into law.

Then, in January of 2021, after Vladimir Putin tried to murder Alexei Navalny, the European Parliament voted again to oppose Nord Stream 2, this time by a vote of 581 to 50.

So I want you to pause for a second and reflect on the fact that Joe Biden looked at that vote and said the President of the United States is with the 50—never mind the 581—in the European Parliament. The Biden administration was going to side with Russia on a 90-percent issue, where the Biden White House is on the losing side.

Throughout all this process, there were plenty of voices in Germany who were opposed, especially after this vicious attempt on Navalny's life. The Parliamentary leader of the Greens, Katrin Goering-Eckardt, said:

The blatant assassination attempt by the mafia-like structures of the Kremlin can no longer leave us merely concerned, it must have real consequences.

Stating, "We need a clear answer" that will "make clear, Nord Stream 2 is no longer something we can compete with Russia."

Mr. President, my request to Senate Democrats, my request to President Biden, my request to KAMALA HARRIS is listen to the Greens. That is not a sentence I have uttered on the floor of the Senate before, nor is it one I anticipate saying frequently in the future. But the Greens in Germany are telling you this is a bad idea; yet today's Democratic Party that exalts climate change as the greatest issue in the cosmos, when it comes to kissing up and surrendering to Putin, decided to tell the Greens to go jump in the lake.

Former NATO Secretary General Anders Fogh Rasmussen issued a statement that:

Germany is asking for European and NATO solidarity in response to the despicable Navalny poisoning. They will get it, but an honest answer from Putin is unlikely. Time has come for Germany to halt Nord Stream 2 construction, before it's too late.

If Senate Democrats mean what they have said for years on Nord Stream 2, then listen to the former Secretary General of NATO; listen to the Greens in Germany.

But now, bizarrely, after Joe Biden has ignored the Greens, after Joe Biden has ignored NATO, after Joe Biden has ignored our Central European allies, all

of this was done in the hopes of getting goodwill and support from Angela Merkel.

The Biden White House—the political geniuses that presided over the surrender and failure in Afghanistan, the greatest foreign policy catastrophe in a generation—their plan was, let's piss the whole rest of the world off so that we can make friends with Angela Merkel. By making friends with Angela Merkel, let's let Putin complete his pipeline.

Perversely, President Biden and Merkel issued their statement as a declaration for support of our Eastern European allies.

Boy, with support like that, who needs enemies?

I would like to read a joint statement from our Polish and Ukrainian allies in response to the laughable statement that Biden and Merkel put out. Here is what our Polish and Ukrainian allies said:

The decision to build Nord Stream 2 made in 2015 mere months after Russia's invasion and illegal annexation of Ukrainian territory, created security, credibility, and political crisis in Europe.

This crisis is significantly deepened by the resignation from attempts to stop the launch of the Nord Stream 2 gas pipeline.

By the way, as an aside, that resignation would be Joe Biden's abandoning of U.S. law sanctioning Russia.

The letter continued:

This decision has created political, military, and energy threat for Ukraine and Central Europe, while increasing Russia's potential to destabilize the security situation in Europe, perpetuating divisions among NATO and European Union member states.

Let me read that again:

This decision—

Joe Biden's political genius, surrendering to Russia—

has created political, military, and energy threat for Ukraine and Central Europe—

That sounds bad. It is bad—

while increasing Russia's potential to destabilize the security situation in Europe, perpetuating divisions among NATO and European Union member states.

The letter continued:

Ukraine and Poland will work together with their allies and partners to oppose Nord Stream 2 until solutions are developed to address the security crisis created by Nord Stream 2, to provide support to countries aspiring to membership in Western democratic institutions, and to reduce threats to peace and energy security.

Mr. President, what do our friends in Ukraine and Poland tell us?

That Joe Biden's decision has created a "threat to peace and energy security."

But even then, Biden-Harris officials insisted that they had worked out security arrangements; it was all perfectly taken care of. They would ensure that Russia would never, ever, ever use Nord Stream 2 for blackmail.

Mr. President, that is their promise. That is Joe Biden's promise. Fear not, they have it figured out and they have

commitments that Russia will never use Nord Stream 2 for energy blackmail.

How long do you think those commitments lasted?

If you have a stopwatch, I am not sure the stopwatch could measure increments of time that small because Russia didn't even give a decent interval, didn't let the ink dry on the Biden White House press release before they immediately began doing the thing that Biden promised Russia would never do. Biden White House said: We have an agreement to make sure Russia never uses it for energy blackmail.

What did Putin say? Excuse me, we are in the middle of energy blackmail.

So we don't even have to wait a year, 2 years, 5 years. We don't have to wait a month. We don't have to wait a week. We don't have to wait a day to know if the Biden promise was true or false that Russia would never engage in energy blackmail over Nord Stream 2. Why? Because they are doing it right now, this instant, as we stand here.

Just one week ago, the Kremlin and its gas barons, the oligarchs—the corrupt mafia oligarchs that run Russia—said that if Europe wants reliable gas as we approach winter—and, gosh, did we mention it gets cold in Europe, that having gas to heat your homes and prevent your grandmother from freezing to death might be a nice thing?

Well, the Kremlin and the gas oligarchs said it is very simple: If they want to have heat, all they need to do is rush through the activation of Nord Stream 2.

They said: "Undoubtedly, the earliest possible commission of Nord Stream 2 will help balance the natural gas crisis in Europe."

Undoubtedly.

Russia is literally reducing the supply right now, today, exercising its blackmail in September.

The Presiding Officer lives in the Northeast United States. September is a beautiful time of year. The autumn leaves are turning. The breeze is crisp. You are not right yet shivering to turn on the heat at night. The same is true in Europe. But fast forward to November, fast forward to December, to January, to February, when the bitter cold starts setting in, when having gas or not, and having heat or not, is the difference between living and dying.

What are the Russian oligarchs saying?

They say, very simply: "Undoubtedly, the earliest possible commissioning of Nord Stream 2 will help balance the natural gas crisis in Europe."

And, of course, the response from Biden and from Germany has been crickets. Remember, Biden and Merkel said, if they try that—those dastardly Russians—we will stand up boldly to them, we will hold them to account.

Where is Joe Biden? No, I mean that seriously. Where is Joe Biden?

Nowhere. Maybe in the White House basement. I don't know. But he is not doing anything to stand up to the Rus-

sian energy blackmail happening right now. By the way, neither is Merkel. Their promises just weeks ago have already been demonstrated to be completely hollow and empty. The protections of their bogus deal were, on their face, a bluff; were, on their face, empty.

But how often is it in politics that such an empty promise gets revealed as a lie minutes after it is made?

In this case, Putin was only too happy to oblige. That is why we call the pipeline the Biden-Putin pipeline.

But, of course, the punch line of all of this—so the Biden administration has managed to tick off Europe, to tick off the European Union. They managed to tick off Ukraine. They managed to tick off Poland. They managed to tick off the Eastern Europeans. They have also independently managed to tick off the French so much that they pulled their Ambassador home from the United States.

But they did all of this, they said, in the deep gravelly tones of the Foggy Bottom establishment. They did all of this to build lasting relationships with Angela Merkel. And that would pay dividends. Never mind a generation of billions for Putin and Russia; never mind a generation of energy captivity for Europe; never mind thousands of high-paying jobs in America—union jobs, good union jobs—destroyed by Biden; never mind that. The benefit of making Angela Merkel is worth it.

Mr. President, you know, there is an old saying that God has a sense of humor. That was illustrated this weekend because, this weekend, there was an election in Germany. The people went to vote.

And what happened?

The German voters went to vote, and Merkel's party didn't win the election. Now the Social Democrats will be looking to form a coalition with the Greens.

Which Greens?

Oh, the very same Greens that are passionately opposed to Nord Stream 2, that cried vociferously to kill the pipeline, and Joe Biden and KAMALA HARRIS said: Go jump in a lake.

The new coalition.

By the way, just about every electoral scenario that comes out of this election will empower the Greens in Germany, and the political geniuses in the White House have just alienated and antagonized the Greens.

Biden's supine giveaway. Isn't that a good word—supine? It describes the Biden foreign policy for every enemy of America: Be flat on your belly, and give our enemies what they want. Biden's supine giveaway to Putin was all for nothing. It literally produced nothing for the United States. It alienated our friends, and it emboldened our enemies.

If you are Xi in China and you see Joe Biden rolling over and surrendering to Vladimir Putin, giving him everything he wants—giving him a pipeline that will enrich him for generations to come—what do you think

Xi is thinking? I can tell you what Xi is thinking. Xi is thinking this is a President who is weak who will surrender to me too. We saw that demonstrated just in recent days, where the Biden administration surrendered on a senior executive from Huawei in allowing her to go back to China, giving Communist China exactly what it wanted. And, once again, what does Xi take and what do the Chinese Communist leaders take from that? That this President will roll over, will surrender.

And, you know, there is a striking irony. These catastrophic decisions and failures are particularly jaw-dropping given that President Biden ran on a platform of restoring diplomacy. Do you remember the refrain “the adults are back”? It was said with this moral superiority—that the Biden guys were going to come in, and no more of this American strength. Huh-uh. The adults know better.

Here is what Joe Biden said on February 4:

I want the world to hear today: America is back. America is back. Diplomacy is back at the center of our foreign policy. . . . We will repair our alliances and engage with the world once again, not to meet yesterday's challenges but today's and tomorrow's.

Biden spoke specifically about Russia. He said:

American leadership must meet this new moment of advancing authoritarianism, including . . . the determination of Russia to damage and disrupt our democracy.

Biden added that “we must start with diplomacy rooted in America's most cherished democratic values: defending freedom [and] championing opportunity.”

You know, if irony had ever been alive, that speech killed irony. If irony were dead and buried, that speech made irony roll over in her grave. Literally every word of that speech, every syllable of every word down to “and” and “the,” has been proven false.

“America is back,” Biden told us. “Diplomacy is back.” “We will repair our alliances.” Mr. President, how has that gone? Have we, in fact, repaired our alliances? With Nord Stream 2, Biden has pissed off the French, the Polish, the Ukrainians, the European Union. Has Biden repaired our alliances?

Has Biden engaged with the world once again? Well, if “engaged with the world” means to surrender to Putin and give him everything he wants, then I guess so.

To meet not yesterday's challenges but today's and tomorrow's—how is giving Putin a massive natural gas pipeline meeting tomorrow's challenges unless the challenges are how to fund Russia's military? If those are the challenges he is talking about, then congratulations, Joe Biden; you actually lived up to that.

He spoke about Russia. “American leadership must meet this new moment of advancing authoritarianism.” How did Joe Biden and KAMALA HARRIS

meet this new moment of advancing authoritarianism? By funding it. Every year, Putin will cash a check of a couple billion dollars, courtesy of Joseph Biden. What should we use this couple of billion dollars for? How about for advancing authoritarianism.

Biden said:

We must start with diplomacy rooted in America's most cherished democratic values: defending freedom.

Mr. President, let me ask you something. Whose freedom did Joe Biden defend with this pipeline? He certainly didn't defend the freedom of the Ukrainians. He didn't defend the freedom of the Poles. He didn't defend the freedom of Europe. He didn't defend the freedom of France. He didn't defend even the freedom of Germany. Merkel wants this, but the voters in Germany have made clear that they don't want it. He didn't defend the freedom of the men and women of Georgia, of the Baltics—of all the former Soviet Republics whose safety and security is now jeopardized because Biden has decided to be a principal funder of the Russian military. That is not defending freedom.

He certainly didn't defend America's freedom. On his first day in office, Joe Biden shut down the Keystone Pipeline. He killed 11,000 jobs, including 8,000 union jobs. John Kerry helpfully told those union members: Learn to code. You silly, dirty worker who wants to work on a pipeline, no, no, no. Sit down at a MacBook instead.

How is it that the same President who kills American jobs on an American pipeline creates Russian jobs on a Russian pipeline? I don't know what you call that, but you don't call it defending freedom. You don't call it championing opportunity.

You know, I have to say, some years ago, I traveled to Europe. I was in Ukraine. I was in Poland. I was in Estonia. When I was there, I met with the leaders there, and I asked them about Russian aggression. This was years ago. I asked them about standing up to Russian aggression. To a person, when I asked them that, the blood drained out of their face, because, for the Poles, for the Ukrainians, for the Estonians, Russian tanks in the streets is not a hypothetical. That is not a scenario they are wondering what that would be like. Those of us old enough to remember it, as they sat at the table with me, they remembered. They remembered those Russian tanks.

Vladimir Putin has said, in perhaps the most candid moment of his life, that he considers the greatest geopolitical disaster of the 20th century to be the dissolution of the Soviet Union. The natural corollary of that is that his foreign policy objective is to recreate the Soviet Union and to subjugate the former Soviet Republics.

One of the most dangerous consequences of this pipeline, of the Biden-Putin pipeline, is that if this pipeline is allowed to go online, I fear we will see Russian tanks again on the ground in Ukraine.

Mr. President, you and I both serve on the Senate Foreign Relations Committee. If and when that happens—in 6 months, in a year, in 2 years—I am going to ask you to remember these remarks, if and when we see Russian tanks on the streets in Ukraine, because Putin is no longer afraid that Ukraine is needed to transit energy. Putin now has his own pipeline—the Biden-Putin pipeline—to circumvent Ukraine.

If we see that subjugation of our ally, if we see that subjugation of liberty, Mr. President, I hope you and I hope every Member of this body and I hope the American people remember right now that Joe Biden, in February, said: “We must start with diplomacy rooted in America's most cherished democratic values: defending freedom [and] championing opportunity.” He has an opportunity to do so.

By the way, let me point out something. The Biden administration has a fantastic opportunity for a reset. Let's assume somebody in the administration realizes they screwed up on this pipeline. When they are losing votes in the European Parliament by a vote of 500 to 50, that ought to be a signal, particularly for people who pride themselves on their foreign policy prowess, on the adults being back. Losing a 10-to-1 vote in the European Parliament is not indicative of diplomacy being back.

By the way, when they lose the vote in this body—in both the House and Senate—when we have addressed Nord Stream 2, every time we have done it, it has been virtually unanimous. The margins of the U.S. Congress have been bigger than 500 to 50.

So let's say somebody in the Biden White House is having second thoughts. I don't know if they are. Maybe they are so committed to their policy that facts be damned; no second thoughts on that. But let's say someone is. Then Joe Biden has been given a gift. He has been given a gift of the recent German election.

There has been only one argument that the Biden White House has put forward for surrendering to Putin on this pipeline, and that is to make the German Government happy. It is a bad argument. It is an argument the Presiding Officer has rejected, that I have rejected. Virtually every Senator in this body, Democrat and Republican, has rejected it as a bad argument that hurts America, that hurts Europe, that helps Putin.

But, for sake of argument, let's give the Biden White House the benefit of the doubt. Let's assume they really believe that. Well, this weekend gave him a gift. If the lone benefit they achieved was this will make the German Government happy, what do we know now? This makes the German Government unhappy.

As we stand here today, the ledger of cost and benefits is very simple: There is one winner on the Biden-Putin pipeline, and that is Vladimir Putin; that

is Russia; that is the Russian Army. Everybody else is a loser. So I would say to the Biden White House they have an easy gift: Reverse course.

By the way, the Biden State Department, Secretary Blinken, fought to impose these sanctions, and political operatives in the Biden White House overruled the Secretary of State.

Secretary Blinken, you have a fabulous opportunity.

The Secretary of State is unhappy that I have holds on nominees to the Department of State. The Presiding Officer is unhappy as he sends repeated tweets, expressing his dismay that I am using the leverage of a Senator to try to stop this pipeline.

Well, I have good news: The German electorate has given you an answer to this problem.

The Biden White House has an easy excuse. The German Government is changing. So their only benefit—to make the German Government happy—has disappeared. If all they care about is making the German Government happy—if they don't care about the rest of Europe; if they don't care about Ukraine; if they don't care about the European Union; if they don't care about American jobs; if they don't care about Putin getting richer and stronger—if the only criterion is to make the German Government happy, do you know what they should do today? Sanction Nord Stream 2 AG. Follow the law. If they do that, I will lift the holds, and these nominations can proceed very, very quickly.

The German voters have given Joe Biden a gift. The only question is if anyone in the White House is paying attention, if anyone wants to accept the gift, or are they too stubborn? They have picked their course, dammit, and they are going to go down with the ship even if it hurts America forever.

There is still time to stop this pipeline. The question is, Does anyone in the White House care? I hope and pray that they do because if Joe Biden and KAMALA HARRIS persist in their decision to completely and totally surrender to Vladimir Putin, that will harm the United States not for a year, not for 10 years, but for 30, 40, 50 years going forward.

Mr. President, the German voters have given you a gift. You should take it.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. LEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 2850

Mr. LEE. Mr. President, I rise today to express my deep concern with President Biden's disregard for American freedom. President Biden's strong-arm

push to force Americans to choose between their health and decisions affecting their health, on the one hand, and providing for their families, on the other hand, is wrong.

I simply do not believe the Federal Government has any business mandating the COVID-19 vaccination for all Americans.

Now, let me be clear. I believe that vaccines, broadly speaking, have provided immense benefits to society, nearly eradicating measles, polio, smallpox, and more in the United States.

I have personally received the COVID-19 vaccination, as has my entire family, and I view the rapid development of effective COVID-19 vaccines as a miracle; one that safeguards the vulnerable from severe illness and from hospitalization.

I believe that the FDA's expedited approval process is effective at efficiently reviewing and producing generally safe drugs and devices for Americans' use.

Additionally, I believe the emergency use authorization can make drugs available to Americans more quickly, which, in some cases, can mean the difference between life and death.

So even with the speed by which COVID-19 vaccines were developed and made available, I very much believe that they are generally safe. However, receiving the vaccine is a decision that Americans should make with all the facts in front of them, in consultation with their doctors, and with full consideration of their own current health circumstances.

However, President Biden made his intentions clear when announcing his Federal mandate saying: "This is not about freedom or personal choice."

Look, we have got to remember that anytime someone, someone who is serving as the President of the United States, while issuing a sweeping Federal mandate, insists that this is not about freedom or personal choice, it is. It necessarily is. It unavoidably is.

The fact that he made this statement is troubling. The statement highlights the fact that the President does not understand the key relationship between citizens and government under our Constitution.

Every mandate, regulation, tax, or any other government imposition comes necessarily at the cost of freedom and personal choice of Americans. It is a tradeoff we make with government. Use of overwhelming government power, without even considering the implications on freedom, is precisely why our Founders thought the Declaration of Independence, a revolution, and our Constitution were necessary.

I have heard from many Utahans who are at risk of being unemployed if they choose not to get the vaccine. In fact, within the last week alone, my office has heard from no fewer than 144 Utahns in distress for this very reason.

Allow me to share just a few of their stories:

A young woman in Utah has two autoimmune diseases. She was told by her doctor that she should not get vaccinated because of her existing health conditions. Yet her employer has informed her that, contrary to her doctor's recommendations, she must get the vaccine or be fired. Get the vaccine or be fired, those are the only two options she is left with.

A soon-to-be-mother, who has been advised not to get the vaccine because of her pregnancy, has been told by her employer that she must choose between receiving the vaccine and receiving a paycheck. Without her job, she will not have the means to care for her child.

A disabled veteran, who now spends his time working for the VA because he loves helping his fellow veterans, has been informed that he must be fully vaccinated within the next 75 days or lose his employment. This ultimatum imposed by President Biden is making him choose between receiving an unwanted medical procedure, on the one hand, while, on the other hand, being unable to provide for his pregnant wife and their child.

After businesses have weathered the economic impacts of COVID-19 and the corresponding shutdowns that have led to so many closures and bankruptcies, President Biden now wants to force employers to act as a sort of medical police force. They must impose a vaccine mandate on their workforce or be forced to pay a heavy fine.

This mandate is constitutionally dubious—and that is putting it mildly—and it is not reasonable and it neglects the interests of business owners, families, and individuals alike.

Look, threatening the employment of millions of Americans and making employers become enforcers is not how our country will return to normal. It is not even how you will make more people decide to get the vaccine. These steps will only erode meaningful relationships that Americans have with one another.

The utility of such a sweeping mandate is also in question. In fact, a recent study from three hospitals in Israel shows that natural immunity was "27 times more effective than vaccinated immunity in preventing symptomatic infections."

This mandate completely ignores existing evidence-based data lending credibility to the reality that millions of Americans may not need to be vaccinated because they have acquired natural immunity from previous COVID-19 illness. Further, the mandate dismisses the reality that there are outstanding questions regarding the COVID-19 vaccine's safe administration to those who are immunocompromised or have certain other health-related concerns or how to accommodate any who may have objections rooted in religious or other sincerely held beliefs.

The decision to engage in a medical procedure, you see, is personal. It is

deeply personal, and even the idea that it can be forced upon citizens by the Federal Government is offensive. If particular American citizens do not feel that the receipt of the COVID-19 vaccine is the right decision for them or their children, then they are entitled to that belief.

A mandate by the Biden administration to be vaccinated against COVID-19 under threat of unemployment will not quell Americans' concerns; instead, it will likely further erode the little trust that may currently exist.

Now, I don't believe that the Federal Government has been as transparent as it must. In its effort to get as many people vaccinated as possible, it has neglected the responsibility to inform Americans of any adverse effects that some may have experienced. These unfortunate instances of harm following the administration of COVID-19 vaccines must be acknowledged even if they are rare.

The fact that instances of adverse reactions to the COVID-19 vaccines are not being shared with the public or even, in many cases, the medical community, causes me grave, grave concern. It has left those who have been adversely harmed with almost nowhere to turn. It has caused distrust in the unvaccinated that the government may have something to hide.

When openly and transparently informed, I believe that each and every American is able to handle the responsibility of weighing the risks of getting vaccinated or not getting vaccinated. I honestly believe that most Americans, after speaking to their doctors, will make the decision that is best for themselves, for their families, and for our country.

Finally, while I have not seen the final regulation for President Biden's COVID-19 vaccine mandate, nor do I know definitively even what statute he is claiming provides him with this sweeping authority, I highly doubt that this unilateral action is constitutional. But, frankly, I don't think the President cares. President Biden knows the effects his announcement and even a temporary regulation will have, even if it is later ruled unconstitutional. Even if the mandate is never fully or ever implemented, it still could get him what he wants.

Businesses across the Nation are yielding before the awesome might of the Federal Government in complying with this Executive mandate before it has even legally been drafted, let alone enforced.

According to the vague outline that President Biden's speech provided, a business would risk going under if even a small percentage of its workforce were unvaccinated at the time enforcement begins. This is a scare tactic—a scare tactic of the absolute worst sort—and it is working. People are scared, and I am here to defend them.

Today, in this bill, the Senate has the opportunity to protect those in the minority, those Americans who sin-

cerely believe, due to religious conviction or otherwise, that they should not receive the COVID-19 vaccine.

This bill would not prevent businesses from imposing their own mandates or establishing rules for their own workplaces. All this bill would do is to ensure that the Federal vaccine mandate provides an exemption for Americans whose sincere beliefs prevent them from receiving the vaccine.

Furthermore, nothing in Federal law provides President Biden the authority to institute the vaccine mandate on private-sector employers or on the public at large, and today Congress has the opportunity to rectify this situation for the American people.

Now, I want to be clear. This is not the end of my discussion here. I have 12 of these bills. I will be back tomorrow and the next day, for as long as it takes to win the fight against this sweeping mandate.

So, Mr. President, as if in legislative session, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 2850 and the Senate proceed to its immediate consideration; I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER (Mr. MARKEY). Is there objection?

The Senator from Washington.

Mrs. MURRAY. Mr. President, reserving the right to object, this unnecessary bill will undermine our efforts to end a pandemic that has killed over 685,000 people and counting.

We are fighting a highly contagious virus. If people don't get vaccinated, variants like Delta will continue to spread, undermine our economy, and take lives. Getting people vaccinated is one of the most important things we can do to stop COVID-19.

And let's be clear. Immunization requirements are nothing new in this country. State and local governments and school districts have required vaccination against diseases like polio and measles for over a century. Taking similar steps against COVID is just commonsense.

Tailored exemptions for legitimate religious and medical considerations already exist in current law and are included in President Biden's policy.

This bill could undermine existing protections and create a massive loophole that would lead to more unnecessary and preventable deaths.

It is so frustrating to know how scared people are of this virus, to know how many people it has killed, to know how hard people are trying to do the right thing and how eager they are for this to end, only to have Republicans offer ideas that would create political division, prolong this crisis, and cost more lives, so I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Utah.

Mr. LEE. Mr. President, I want to be very clear about something. There are no exemptions built into the mandate because the mandate doesn't yet exist.

As far as I can tell, this may be a feature and not a bug, you see, because he gave a speech—he gave a speech—talking about the fact that he was going to issue the mandate. He didn't release any legally operative documents, didn't even disclose his precise source of authority to do this—authority which I highly doubt even exists. So there is no document to challenge. No one can sue to challenge the document because the document doesn't exist.

But businesses everywhere fear and, indeed, know that it is coming, and so their general counsel's offices, their human resources departments for employers with more than 99 employees in this country are scrambling to get ahead of it. Many are even adopting and some, I am told, are moving forward with enforcing or preparing to enforce those same policies. So what will happen is that those employees who have these sincerely held objections will be without recourse.

Now, my friend and colleague from Washington makes the point that these exemptions are already there. That is a legal and factual impossibility because the mandate does not yet exist. The document isn't in there, which begs the question: If it already exists, then what would be her objection or anyone's objection to merely adopting a measure that says any such mandate, if and when it is issued, must contain such an exemption—an objection that my friend and colleague from Washington assures us already exists. It is difficult for me to understand how this would be objectionable.

Without these protections, you see, President Biden is telling many religious minorities in the country that they need not apply for a job, and if they have got a job already, that that job is in jeopardy.

Freedom to make one's own medical decisions is fundamental to our system of liberty. The economic impact of the mandate is going to hamper our economic recovery as workers are forced to make hard decisions.

Here we are talking specifically about objections rooted in religious or other sincerely held personal beliefs. If, in fact, that exemption already exists, that protection is already there, which it isn't because it can't be because the document itself doesn't exist, then why not embrace it? Why not accept it? Why not acknowledge it in law?

I struggle to imagine what harm could come from protecting religious minorities in this country, and I find it very discouraging and very distressing that this body, the U.S. Senate, wouldn't want to do everything we possibly could to make that happen.

Another word about the fact that it doesn't yet exist; the mandate isn't there. Because it is not there, employers with more than 99 employees around the country are being forced to

guess as to what it might mean, and a whole lot of them are already preparing their own policies—in some cases, already adopting them and enforcing them based on their own anticipation of what the mandate may be. What it means as a practical matter is, you can't sue anyone. You can't sue any administrator in the Biden administration or elsewhere in the Federal Government who is going to be enforcing this because you don't know what they are going to be enforcing. There isn't a dispute ripe for adjudication in any court anywhere because we don't know what that is.

For many people, this entire exercise could be rendered moot in the meantime, not just moot in the sense that the court would lack article III jurisdiction to entertain the dispute in question, but moot in the sense that they might lose their job, moot in the sense that they are going to have to face this awful Hobson's choice between maintaining their ability to provide for their family, on the one hand, and, on the other hand, receiving a medical procedure that they would deem harmful and objectionable based on their religious or other sincerely held beliefs. This is not America; this is not acceptable; and this is not and cannot possibly be constitutional.

We should be able to do this.

I am going to be back tomorrow, the next day, and as long as it takes to keep addressing this issue. Freedom matters, and the Constitution matters. President Biden has ignored them both. Thank you.

VOTE ON PHEE NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Phee nomination?

Mr. MURPHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Kansas (Mr. MORAN).

The result was announced—yeas 67, nays 31, as follows:

[Rollcall Vote No. 388 Ex.]

YEAS—67

Baldwin	Duckworth	Markey
Bennet	Durbin	McConnell
Blumenthal	Gillibrand	Menendez
Blunt	Graham	Merkley
Booker	Grassley	Murkowski
Brown	Hassan	Murphy
Burr	Heinrich	Murray
Cantwell	Hickenlooper	Ossoff
Capito	Hirono	Padilla
Cardin	Inhofe	Peters
Carper	Kaine	Portman
Casey	Kelly	Reed
Collins	King	Risch
Coons	Klobuchar	Romney
Cornyn	Leahy	Rosen
Cortez Masto	Lujan	Rounds
Crapo	Manchin	Sanders

Schatz
Schumer
Shaheen
Sinema
Smith
Stabenow

Sullivan
Tester
Tillis
Van Hollen
Warner
Warnock

Warren
Whitehouse
Wyden
Young

NAYS—31

Barrasso
Blackburn
Boozman
Braun
Cassidy
Cotton
Cramer
Cruz
Daines
Ernst
Fischer

Hagerty
Hawley
Hoeven
Hyde-Smith
Johnson
Kennedy
Lankford
Lee
Lummis
Marshall
Paul

Rubio
Sasse
Scott (FL)
Scott (SC)
Shelby
Thune
Toomey
Tuberville
Wicker

NOT VOTING—2

Feinstein

Moran

The nomination was confirmed.

The PRESIDING OFFICER (Mr. PETERS). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The bill clerk read the nomination of Todd D. Robinson, of New Jersey, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Secretary of State (International Narcotics and Law Enforcement Affairs).

The PRESIDING OFFICER. The Senator from New Jersey.

UNANIMOUS CONSENT REQUESTS—EXECUTIVE CALENDAR

Mr. MENENDEZ. Mr. President, we heard over the course of many hours last week and, indeed, over the many months that Foreign Affairs nominees have been languishing on the Senate floor, the concerns of the junior Senator from Texas related to the Nord Stream 2 pipeline. We also have heard at length from Members of this body about the humanitarian situation in Afghanistan—from the junior Senator from Missouri.

As I have said publicly and repeatedly, I share my colleague's concerns about the Nord Stream 2 pipeline. He put up a series of my quotes. They are all true. I am still of that view, but I am not of the view that you stop the national security apparatus in order to pursue a policy difference and create a whole host of other serious risks for the United States.

I believe and have said that the evacuation from Afghanistan was fatally flawed. In fact, the Foreign Relations Committee held a hearing and heard from Secretary Blinken about the situation in Afghanistan. The Foreign Relations Committee is holding a briefing tomorrow about the administration's efforts to bolster European energy security to counter Russia's efforts in this area. And I intend to continue oversight of the situation in Afghanistan and why, over the course of 20 years, we have failed.

What I fail to understand is the relationship between the foreign affairs

nominees pending before this body and those topics. These individuals are critical to confronting numerous other global challenges, promoting American values, and advancing the safety, health, and economic well-being of America. We need them confirmed today—today.

I therefore will rise to seek unanimous consent for the confirmation of 10 nominees, including seven career diplomats. Each of them moved through the Foreign Relations Committee with bipartisan support. There is no reason for Republicans to block their confirmation.

Let me speak to them for a minute or two.

This is especially the case at the U.S. Agency for International Development. The Administrator of USAID, Samantha Power, is the only member of that Agency's senior leadership that has been confirmed by this body. Ambassador Power needs her senior leadership team in place. Yet her two deputies are languishing on the floor because of Republican holds.

This Agency is grappling with the impact of the COVID-19 pandemic and other humanitarian emergencies that are ravaging the globe. It simply cannot function at its best without senior leadership. So why is it that Republicans insist on blocking Paloma Adams-Allen and Isobel Coleman, two highly qualified nominees to serve as USAID Deputy Administrators?

Let me take a moment to once again raise Haiti. We hear a lot about Haiti here on the floor, particularly from our Republican colleagues, and the challenge at the border.

Well, in August, a massive earthquake in Haiti killed more than 2,200 people, injured 12,000 more, and destroyed tens of thousands of buildings. This comes after the assassination of Haiti's President. But here, again, Republicans are holding a senior member of Ambassador Powers' team, Marcela Escobari, the nominee to be the Assistant Administrator for Latin America and the Caribbean at USAID. Escobari, who will manage our response to the Haiti earthquake, once confirmed, already held this very job in the Obama administration. Guess what. She was confirmed by voice vote then.

Now we want to deal with the challenge of Haitian refugees coming to the border and other refugees of the hemisphere coming to the border. Let's confirm the USAID Deputy Administrator who will deal with that issue so we can deal with the root causes. How do we create stability in Haiti? How do we provide relief for the Haitian people? How do we create feeding for the Haitian people so they are not fleeing their country? But, no, we are going to stop this nominee who is going to be at the very heart of that. So when you see a new group of Haitian refugees, blame yourself.

We spent many months in this body talking about the challenges posed by the Government of the People's Republic of China. The U.S. Innovation and